

## **DISABILITY INSURANCE PROGRAM (dip) FREQUENTLY ASKED QUESTIONS (FAQ)**

### **Section 6 – Return to Work (Effective August 1, 2010)**

Disclaimer—

If there is any conflict in interpretation between the FAQ's and the Short-Term Disability (STD) and Long-Term Disability (LTD) program contract provisions and existing law, the contract provisions and/or law govern.

**Q 6.0 Who is the Return to Work Coordinator and how can she be contacted?**

A 6.0 The Return to Work Coordinator is Durae' Johann. She may be reached at the Statewide Benefits Office at 302-739-8331 or via email at [Durae.Johann@state.de.us](mailto:Durae.Johann@state.de.us).

**Q 6.1 What happens if an employee is released to return to work but not at full capacity?**

A 6.1 There is a process of Return to Work that is followed for keeping or returning an employee with a covered and approved disability to work. When returning an employee to work that may need accommodations, the following is considered:

- Same job, same employer
- Same job with modifications, same employer
- Same job, different employer
- Same job with modifications, different employer
- Different job, same employer
- Different job, different employer
- Retraining and/or Education

This process is used as a guide to determine what is possible for the employee with a disability and employing organization. Each of these options should be considered as a return to work plan is being developed. Please contact the Return to Work Coordinator for assistance.

**Q 6.2 What happens if an employee is offered modified duty but declines?**

A 6.2 If an employee is offered modified duty after being released to return to work with temporary restrictions or limitations and declines, the employee's disability benefit may be suspended.

- Q 6.3 What is a Physical Demands Analysis (PDA) and does the employing organization have to complete one?**
- A 6.3 The PDA is used to determine what physical aspects of an employee's job they may not be able to perform and to determine what, if any, modifications may be possible in order to return them to work. A PDA can be requested at any time during the Short OR Long Term Disability claim.
- Q 6.4 When should employing organizations complete and return the PDA to the Return To Work Coordinator?**
- A 6.4 A PDA should be completed and returned to the Return to Work Coordinator **within 2 business days** as this information is vital to the approval, continued approval or denial of the claim.
- Q 6.5 Can employees use the services of the Return to Work Coordinator if they are absent from work for *less than 30 calendar days*?**
- A 6.5 As Return To Work assistance is compulsory per 29 Del. C. §5257 of the Delaware Code, employees enrolled in the Disability Insurance Program (DIP) who expect to be out of work for less than 30 calendar days continue to be eligible to utilize the services of the Return to Work Coordinator from the Statewide Benefits Office. Return to work assistance may be requested by the employee and/or by the employing organization. The Return to Work Coordinator will always consult with the employee and the employing organization when assisting employees. The Return to Work Coordinator may also consult with the employee's health care provider(s) to acquire and/or clarify an employee's restrictions and/or limitations if applicable, to facilitate a safe return to the workplace.
- Q 6.6 Why do employee's need a return to work authorization completed before returning to work?**
- A 6.6 If an employee has been on an approved Short Term and/or Long Term Disability, they must have a return to work note authorizing their ability to safely return. This release must be signed by the employee's physician. The employing organization may have a preferred Return to Work (RTW) authorization form from their specific organization that must be completed. If not, then the employee may contact the Return to Work Coordinator for a form. It will be faxed directly to the physician for completion.

**Q 6.7 What happens if an employee is released to return to work but will have some restrictions and limitations for at least a month; must the employing organization make temporary accommodations?**

**A 6.7** An employing organization will consider if the functional limitations impact the employee's ability to stay on their own job or if accommodations are needed. If the employee cannot be accommodated, the employing organization should provide a written explanation to the Return to Work Coordinator within 5 business days.

**Q 6.8 Can an individual return to work from Long Term Disability?**

**A 6.8** If an individual has been on an approved Long Term Disability (LTD) claim and knows approximately when they may be released to return to work OR has already been released, the individual should contact the Return to Work Coordinator for assistance with placement. A release to return to work signed by the individual's physician is required.

**Q 6.9 Is an individual returning to work from LTD able to return to their previous position?**

**A 6.9** *In some cases* a former employee may be able to return to their previous position. However if the employee is not able to return to the same position, the same guidelines apply in placement procedures as in Short Term Disability.

- Same job, same employer
- Same job with modifications, same employer
- Same job, different employer
- Same job with modifications, different employer
- Different job, same employer
- Different job, different employer
- Retraining and Education

**Q 6.10 Will an individual who is returning to work from LTD be able to retain their previous salary?**

**A 6.10** When rehired into a State of Delaware position, an employing organization may be able to offer the former employee a position at the same rate of pay, however, this is not guaranteed. For former merit employees, the approved salary will be determined in accordance with applicable Merit Rules.

**Q 6.11 Is an individual who is returning to work from LTD be guaranteed a job within the State of Delaware?**

**A 6.11** The goal is to return the former employee to the State of Delaware, but it is not guaranteed when returning to work from LTD.

**Q 6.12 Why do individuals have to apply and interview for a position when returning to work from Long Term Disability?**

A 6.12 Former merit employees returning from LTD may be placed in any merit position, for which they qualify without a referral list, as long as the paygrade does not exceed their paygrade at the time of their acceptance into and eligibility for the STD Program. Exceptions to the paygrade limitation may be made for vacancies for which a documented shortage of qualified applicants exists which will be explained to individual by the Return to Work Coordinator. Former nonmerit employees returning from LTD will be placed by their previous employer into a vacant position within their respective agency for which they qualify. Employees returning to work from LTD are being “rehired”, therefore an application will be required and an interview may be conducted by the employing organization.

**Q 6.13 Where is the Return to Work section of the Delaware Code as it pertains to Return to Work while on Short Term or Long Term Disability?**

A 6.13 <http://delcode.delaware.gov> Title 29, CHAPTER 52A. DISABILITY INSURANCE PROGRAM, § 5257. Return to work